

REMARKS

Applicants have amended the claims to clarify that the invention resides in the application of a stereoselective acylase to catalyze, selectively, either the forward or reverse direction of the relevant reaction. The principle of the invention is the same, regardless of whether the protective formyl group is attached to the α -aminonitrile or the reaction is run in reverse, using the unprotected form and providing a formylating agent. In either case, the success of the invention method resides in the selectivity of the acylase chosen.

Therefore, the claims have been amended to clarify that, in either case, the same acylase is used to carry out either the forward or reverse reaction. It is believed, therefore, that it will be apparent that there is only one invention claimed.

Unfortunately, the Office may have been misled by the Preliminary Amendment, which sought to minimize costs by eliminating multiple claim dependencies. In the originally submitted claims, both claims 1 and 2 (which were set forth as separate claims simply for clarity and convenience) were referenced in claims 4-12, which specified the reaction conditions and enzyme. The dependence of these claims on claim 2 was eliminated and claims 13-21 added in order to avoid multiple claim dependency only. Otherwise, it might have been clearer that the same invention is being claimed.

As a provisional election is required, Applicants provisionally elect to prosecute the claims of Group I directed to treating the formyl form with the acylase.

Reconsideration of the restriction requirement in light of the amendment and discussion is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 246152014600.

Respectfully submitted,

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